



MAIL STOP PETITION *DAC*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 28, 2005.

Delbert Barnard

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2878
Examiner: Shun Lee
Applicant: Gerrit H. van den Engh
Serial No.: 09/847,466
Filed: May 1, 2001
Entitled: APPARATUS FOR DETERMINING RADIATION BEAM ALIGNMENT
Date: October 27, 2005

COVER LETTER

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are:

- (1) An Issue Fee(s) Transmittal;
- (2) An Issue Fee and Publication Fee in the Amount of \$1,700.00 for a Large Entity;
- (3) A Petition for Revival of an Application for Patent Abandon Unintentionally

Under 37 CFR 1.137 (b);

(4) A Check in the Amount of \$1,700.00 Covering the Petition Fee Under 37 CFR

1.137 (b); and

(5) A receipt postcard

The Notice of Allowance was mailed on December 13, 2004. This office received it on December 15, 2004. A letter was written to a representative of the client, reporting the allowance of the application and informing her of the due date for payment of the issue fee. This is the last letter that is in the file. The representative of the client states that e-mail instructions to pay the fee were sent to my office but we have no record that the e-mail letter was received by us.

Our docket clerk in March of 2005 was suppose to put the file in a location we had for applications that required a follow up action. Also, the issue fee payment date was suppose to be entered into the firms docket notebook. The docket clerk in charge of the docket in March of 2005 was dismissed for cause in April of 2005. Her replacement conducted a file-by-file search for the application files looking for Office Actions etc. that might not have been put on the docket or for some other reason were still awaiting a Response. She did not locate this Application because it had been misfiled.

On Wednesday October 26, 2005, I received a telephone call from two representatives of the client, the University of Washington. They say that they had reviewed the Patent Office website and found that this application was listed as having abandoned for failure to pay the issue fee. They informed me that the client still had a strong interest in continuing with the application. I immediately prepared this Petition and Fees transmittal form, and the other papers that are filed herewith.

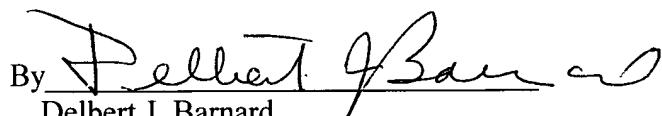
The delay in paying the issue and printing fees was unintentional. I rely very heavily on our docket system and our docket clerk. For reasons unknown, the fact that the issue and printing fees had not been paid was not discovered and brought to my attention by either my old docket clerk or my new docket clerk. If it had been, I would have paid the issue fee before the March 14, 2005 due date.

The Patent Office is asked to grant the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b), and to issue the patent.

The Patent Office is hereby authorized to charge any further government fees required for filing the above-identified documents tow Deposit Account No. 02-0915 two duplicate copies of this letter are enclosed.

Respectfully Submitted,

Gerrit J. van den Engh

By 
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